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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,285	07/29/2003	Sang Ryul Lee	K-0536	5381
34610	7590	09/13/2004	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			VAN, QUANG T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,285	Applicant(s) LEE ET AL.	
	Examiner Quang T Van	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18-22 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 15-17 and 23-25, 29-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Oguri et al (JP2000154920A). Oguri discloses a microwave oven comprising a case (1) having a cooking chamber (2) formed therein and an opening formed in a front portion (figure 1); a tray (3) provided in the case to form a bottom (2a) of the cooking chamber; and a unitary gasket (8) having an inner edge portion configured to surround an outer edge of the tray (3), and an outer surface (8a) portion configured to make close contact with an inside surface (2b) of the case (1) so as to form a seal between the tray (3) and the case (1).

3. Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vigano et al (US 4,857,685). Vigano discloses a microwave oven comprising a casing (1) having a cooking chamber (2) formed therein and an opening in a front portion; and an air duct (22) fixed directly to an upper inside portion of the case by at least one hook (22A), having a bottom surface which form an upper surface of the cooking chamber (2), wherein the air duct (22) is configured to form a continuous air circulation passage (25, 26) between an outfit chamber of the microwave oven and the cooking chamber(2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 26, 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Oguri et al (JP2000154920A) in view of Saito et al (JP08090669A). Oguri discloses substantially all features of the claimed invention except the gasket is molded with the tray. Saito discloses a silicon gasket is molded with a tray (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Oguri et al (JP2000154920A) a silicon gasket is molded with a tray as taught by Saito in order to make a gasket with a tray in one unit.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguri et al (JP2000154920A) in view of Vigano et al (US 4,857,685). Oguri discloses substantially all features of the claimed invention except an air duct provided on an upper portion of an inside of the case. Vigano discloses an air duct (22) provided on an upper portion of an inside of the case to form a ceiling of the cooking chamber (2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Oguri et al an air duct mounted on an upper portion of an inside of the case to form a ceiling of the cooking chamber as taught by Vigano in order to provide an air circulation passage.

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7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguri et al (JP2000154920A) in view of Vigano et al (US 4,857,685) and further in view of McCammon et al (US 4,556,772). Oguri/Vigano discloses substantially all features of the claimed invention except the air duct includes panel configured to form an upper surface of the cooking chamber, a plurality of walls extending from outer edges of the panel, a plurality of apertures configured to allow passage of air therethrough, and a flange extending horizontally from an upper portion of a front wall of the plurality of walls. McCammon discloses the air duct (44) includes panel (160) configured to form an upper surface of the cooking chamber (12), a plurality of walls extending from outer edges of the panel (Figure 4), a plurality of apertures (198) configured to allow passage of air therethrough, and a flange (180) extending horizontally from an upper portion of a front wall of the plurality of walls. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Oguri/Vigano an air duct includes panel configured to form an upper surface of the cooking chamber, a plurality of walls extending from outer edges of the panel, a plurality of apertures configured to allow passage of air therethrough, and a flange extending horizontally from an upper portion of a front wall of the plurality of walls as taught by McCammon in order to provide air circulation passage for the cooking chamber.

8. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vigano et al (US 4,857,685) in view of McCammon et al (US 4,556,772). Vigano discloses substantially all features of the claimed invention except the air duct further comprises a flange, which extends horizontally forward from an upper portion of the

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front wall. McCammon discloses an air duct (44) further includes a flange (180), which extends horizontally forward from an upper portion of the front wall (figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Vigano an air duct further comprises a flange which extends horizontally forward from an upper portion of the front wall as taught by McCammon in order to attach the duct to the ceiling of the cooking chamber.

9. Claims 15-17, 23-25, and 29-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

10. Applicant's arguments filed 6/22/2004 have been fully considered but they are not persuasive.

Applicant argues "Oguri neither discloses nor suggests that the silicon packing 8 forms a seal between the tray 3 and the heating chamber 2" recited in page 19, lines 8-9 of Reply to Office Action filed on 6/22/04. The Examiner disagrees. In the translation paper of Oguri (which is provided by Applicant) discloses a unitary gasket (8) is a seal (page 2, par. 0007, lines 3-4 and par. 0010, lines 1-3). Applicant also argues that Oguri does not disclose or suggest a unitary gasket and the packing 8 of Oguri works in conjunction with an addition sealing element 9. The Examiner disagrees. Oguri discloses a packing (8) is a unitary gasket and element 9 is an adhesive material for bonding the gasket (8) to the tray (3) (see Oguri's translation section DESCRIPTION OF DRAWINGS, which is provided by applicant).

Further, Oguri discloses a microwave oven comprising a case (1) having a cooking chamber (2) formed therein and an opening formed in a front portion (figure 1); a tray (3) provided in the case to form a bottom (2a) of the cooking chamber; and a unitary gasket (8) having an inner edge portion configured to surround an outer edge of the tray (3), and an outer surface (8a) portion configured to make close contact with an inside surface (2b) of the case (1) so as to form a seal between the tray (3) and the case (1). Oguri still meet the claimed limitations.

Applicant argues that Vigano's distributor 22 requires a plurality of branched air flow passages to direct cooling air, and Vigano does not disclose or suggest an air duct, which forms a continuous air circulation passage between an outfit chamber of the microwave oven and the cooking chamber. The Examiner disagrees. Vigano's distributor 22 requires a plurality of branched air flow passages to direct cooling air, which forms a continuous air circulation passage between an outfit chamber of the microwave oven and the cooking chamber. Since the claims of the Application do not claim an air duct being a single air passage; therefore, Vigano's reference still meet the claimed limitations.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV
September 8, 2004



Quang T Van
Primary Examiner
Art Unit 3742